

BID OPENING
CITY OF SAN JOSE
OFFICE OF THE CITY CLERK

RECEIVED
San Jose City Clerk City Clerk
Time Stamp
2010 MAR 25 P 2:56

TOTAL BASE BID 2,896,315

ALT NO. 1 _____

ALT NO. 2 _____

ALT NO. 3 _____

Alt No. 4 _____

Alt No. 5 _____

BID DATE: Thursday, March 25, 2010

Project Manager: Ricardo Morales ~ 277.8149

2010 PROP 1B STREET RESURFACING PROJECT

BIDDER NAME: GALLAGHER

Bond ☒ **Cashier's Check** _____

Addendums Included () 1, 2, 3, 4

YES ☒ **NO** _____

Non-Collusion Affidavit

YES ☒ **NO** _____

PROPOSAL

TO THE CITY OF SAN JOSE

FOR

2010 PROP 1B STREET RESURFACING PROJECTName of Bidder: GALLAGHER & BURK, INC.

The representations herein are made under penalty of perjury.

To: The City of San Jose, State of California

The undersigned, as bidder, declares that the only person or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm or corporation; that the bidder has thoroughly read and examined and has full knowledge of and understands all the provisions and contents of this proposal and the documents which must be attached hereto, the Plans approved by the Director of Transportation on February 11, 2010, entitled **2010 PROP 1B STREET RESURFACING PROJECT** and the Specifications approved by the Director of Transportation on February 11, 2010 entitled **2010 PROP 1B STREET RESURFACING PROJECT** on file in the office of the Director of Transportation of the City of San Jose at 1404 Mabury Road, San Jose, California; that the bidder has thoroughly examined said Plans and Specifications which are on file in the office of the Director of Transportation, and that the bidder has full knowledge of and understands said Plans and Specifications and the requirements thereof; and that the bidder has further read and understands, and has knowledge of the contents of any and all addenda to said Plans and Specifications on file; and that the bidder proposes and agrees, if this proposal is accepted, that the bidder will contract with the City of San Jose, in the form of the copy of the contract on file in the office of the Director of Transportation, to do all the work and furnish all materials specified or referred to in the contract, in the manner and time therein prescribed, and according to the requirements of the City or Director of Transportation as therein set forth, to furnish the contract, bonds and insurance specified in the Specifications, and to do all other things required of the Contractor by the contract; and will take in full payment therefor the following price or unit prices as shown in the Schedule of Quantities on page(s) 1A and 1B.

If the bidder or other interested persons is a corporation, state legal name of corporation, also names of the President, Secretary, Treasurer, and the Manager thereof; if a partnership, state the name of the partnership, if one exists, also the names of all the partners comprising the partnership; if any of the partners are individuals, state the first and last name of every individual in full, if any of the partners are corporations, state for each such corporation, the information required above of corporations; if any of the partners are partnerships, state for each such partnership the information required above of partners; if the bidder or other interested person is a joint-venture, state the name of the joint venture, also names of all joint venturers comprising the joint venture; if any of the joint venturers are individuals, state the first and last name of every individual comprising the joint venture; if any of the joint venturers are corporations, state for each corporation the information required above of corporations; if any of the joint venturers are

partnerships, state for each such partnership, the information required above of partners; if bidder or other interested persons is an individual, state first and last names in full.

If bidder is an individual, the bidder's signature shall be placed below; if bidder is an individual, doing business under a fictitious name, the name of the individual followed by the words "doing business under (insert the fictitious name)" shall be set forth above, together with the signature of the individual; if bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the officer or officers of the corporation, authorized to sign contracts on behalf of the corporation, the corporate title; that is Vice-President, Secretary, etc., should be placed below the name of the officer and the corporate seal affixed; if bidder is a partnership, the legal name of the partnership, if one exists, shall be set forth above, together with the signature of the partner or partners authorize to sign contracts on behalf of the partnership; if any of the partners are corporations, execution for such partners shall be accomplished in accordance with the requirements set forth above for corporations; if any of the partners are partnerships, execution for such partners shall be accomplished in accordance with the requirements set forth above for partnership; if bidder is a joint-venture, the legal name of the joint venture, if one exists, shall be set forth above for partnerships. If signature is by an agent other than an officer of a corporation, or member of a partnership or a joint venture, a Power of Attorney must be on file with the City Clerk prior to opening bids or submitted with the bid; otherwise, the bid may, at the City's option, be disregarded as non-responsive.

If this proposal shall be accepted and the undersigned shall fail to contract, and to give the Contractor's Bond For Faithful Performance and the Contractor's Payment Bond required by the specifications and contract and by law, and to provide all insurance as required by said contract, within eight (8) days after the bidder has received notice from the City of San Jose, the City may, at its option, determine that the bidder has abandoned his/her contract, and thereupon this proposal and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this proposal shall operate and the same shall be the property of the City of San Jose.

In accordance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final unappealable finding on contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board. Signing this Proposal on the signature portion thereof shall constitute signature of this Statement.

Accompanying this proposal are the following documents completely filled in by the bidder and the same are incorporated herein by reference;

1. Cash, a cashier's check or a certified check made payable to City, or a bidder's bond executed by an admitted surety insurer naming the City as beneficiary, in an amount equal to at least ten percent (10%) of the total amount bid including all alternatives.
2. A list of subcontractors for work over one half of one percent, if any, the address of each subcontractor and the description of work to be done by each subcontractor.
3. A statement of financial responsibility, technical ability, and experience if such information is not already on file with the City.

City may at its option, request additional supplemental information after bid opening.

Bidder understands that the City reserves the right to reject any or all bids and to waive any informalities in the bidding.

The undersigned, as bidder, declares that in listing subcontractors in this bid, I have not discriminated or given any preference to any firm based on race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin. I understand that any such discrimination or preference is in violation of Chapter 4.08 of the Municipal Code.

Execution of the Non-Collusion Affidavit constitutes execution of this Bid Proposal including the above statement of nondiscrimination and, with the exception of the Bidder's Bond or Addenda, if any, no other signatures will be required.

**SCHEDULE OF QUANTITIES
FOR
2010 PROP 1B STREET RESURFACING PROJECT**

Item	Description	Unit	Quantity	Unit Price	Extension
1	AC Surface Course - Type A Overlay	TON	11,400	74.50	849,300.00
2	Remove and Replace 6" AC Pavement	SY	29,000	32.00	928,000.00
3	Asphalt Rubber Chip Seal	SY	65,500	5.25	343,875.00
4	Slurry Seal (Type II)	SY	65,500	1.25	81,875.00
5	Remove and Replace PCC Curb and Gutters - (Revocable)	LF	4,000	37.25	149,000.00
6	Gutter Cut (6 feet)	LF	53,200	1.00	53,200.00
7	Conform Cut	SF	18,600	0.50	9,300.00
8	Cold Plane 0.20' (Revocable)	SF	33,200	2.00	66,400.00
9	Crack Filler (Revocable)	TON	8	5,000.00	40,000.00
10	Pavement Reinforcement Fabric	SY	75,600	2.00	151,200.00
11	Adjust or Install Monument Box to Grade (Revocable)	EA	91	250.00	22,750.00
12	Adjust Water Valve Box to Grade (Revocable)	EA	40	250.00 PD	10,000.00 PD
13	Adjust Manhole to Grade (Revocable)	EA	227	450.00	102,150.00
14	Inductive loop Replacement Type C (Revocable)	EA	2	750.00	1,500.00
15	Reserve Police Officer for Traffic Control (\$52.00 Min. Per Hour) (Revocable)	HR	150	\$52.00	\$7,800.00
16	Grinding Existing Markings (Revocable)	SF	1,200	2.00	2,400.00
17	Remove Existing Raised Pavement Markers (Revocable)	EA	1,050	1.00	1,050.00
18	Install Type A or AY Raised Pavement Markers (Revocable)	EA	760	4.00	3,040.00
19	Install Type B, C, D, G, H or Blue Raised Pavement Marker (Revocable)	EA	298	5.00	1,490.00
20	Thermoplastic: Double yellow stripe (Revocable)	LF	2,200	1.00	2,200.00
21	Thermoplastic: 12" solid yellow stripe (Revocable)	LF	860	3.25	2,795.00

**SCHEDULE OF QUANTITIES
FOR
2010 PROP 1B STREET RESURFACING PROJECT**

22	Thermoplastic: 12" solid white stripe (Revocable)	LF	1,020	3.25	3,315 ⁰⁰
23	Thermoplastic: Traffic markings and Legends (Revocable)	SF	1,050	3.50	3,675 ⁰⁰
24	Compensation Adjustment for Price Index Fluctuation for Paving Asphalt (Binder)	CA	1	\$60,000.00	\$60,000.00

TOTAL \$ 2,896,315⁰⁰

NONCOLLUSION AFFIDAVITProject Title: 2010 PROP 1B STREET RESURFACING PROJECT_____, being first duly sworn, deposes and says
(print name of Company)

that he/she is the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof the effectuate a collusive or sham bid.

In accordance with Title 23, United States Code, Section 112, the bidder hereby states, under penalty of perjury, that he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract. Bidders are cautioned that making a false certification may subject certifier to criminal prosecution.

The undersigned declares under penalty of perjury that the information contained in this proposal and all accompanying documents are true and correct.

Executed on MARCH 25, 2010GALLAGHER & BURK, INC.

Legal Company Name

CORPORATION

Indicate Type of Entity: Sole Proprietorship,
Partnership (General/Limited Partners),
Corporation, Joint Venture, etc.

City Business Lic. No.: N/A (WILL APPLYExpiration Date: IF LOW BIDDER)State Contractor Lic. No.: 141140Classification: A, C12Expiration Date: 8/31/2011Federal I. D. No.: 94-1249084Address: 344 HIGH STREET, OAKLAND, CA 94601By: David DesilvaTitle: DAVID DESILVA, PRESIDENTTelephone: (510) 261-0466*****
NOTARY

On 3/25/10 before me, VICTORIA PISANO, NOTARY PUBLIC, personally
appeared _____
(name and title of officer)

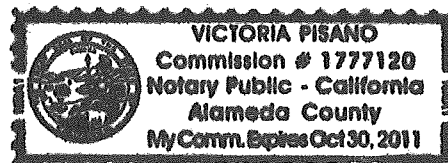
DAVID DESILVA

_____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal, subscribed and sworn to before me.

Signature Victoria Pisano (Seal)

Notary Public



BIDDER'S BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That we, Gallagher & Burk, Inc. as PRINCIPAL, and *
 , a corporation duly organized under the laws of the State of CT and duly
 licensed to become sole surety on bonds required or authorized by the State of California, as SURETY,
 are held and firmly bound unto the City of San Jose (hereinafter called the "City"), in the penal sum of
 TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID of the Principal above named,
 submitted by said Principal to the City of San Jose, for the work described below; for the payment of
 which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs,
 executors, administrators and successors, jointly and severally, firmly by these presents. In no case shall
 the liability of the Surety hereunder exceed the sum of ^{Ten percent} _{of proposal price}
 DOLLARS (\$ 10% of P.P.). *Travelers Casualty and Surety Company of America

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for
 certain construction specifically described as follows, for which bids are to be opened in the Office of the
 City Clerk, of the City of San Jose, at City Hall, 200 E. Santa Clara Street, 2nd Floor, Wing, San Jose,
 California on March 25, 2010 for 2010 PROP 1B STREET RESURFACING PROJECT.

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time and
 manner required under the specifications, after the prescribed forms are presented to Principal for
 signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and files a
 Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance policies
 with the City, all as required by the specifications and the contract or by law, then the obligation shall be
 null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and
 its bond shall be in no way impaired or affected by any extension of the time within which the Owner
 may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Oblige and judgement is recovered, the Surety
 shall pay all costs incurred by the Oblige in such suit, including a reasonable attorney's fee to be fixed
 by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 25th

day of March, 2010.

PRINCIPAL

SURETY

Gallagher & Burk, Inc.
 344 High Street
 Oakland, CA 94601

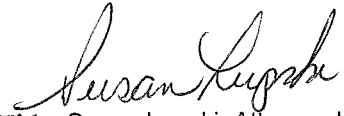
Legal Company Name

Travelers Casualty and Surety Company of America
 One Tower Square
 Hartford, CT 06183

Legal Company Name

Corporation
Indicate Type of Entity

By 
Title: DAVID DESILVA, PRESIDENT

By 
Title: Susan Lupski, Attorney-In-Fact

By _____
Title:

By 
~~XXXX~~

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)

ACKNOWLEDGMENT OF SURETY COMPANY

STATE OF New York }
COUNTY OF Nassau } ss

On this March 25, 2010, before me personally came Susan Lupski
to me known, who, being by me duly sworn, did depose and say; that he/she resides in
..... Nassau County, State of ... New York, that he/she is the Attorney-in-Fact of the
..... Travelers Casualty and Surety Company of America
..... the corporation described in which executed the
above instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is
such corporate seal; that it was so affixed by the Board of Directors of said corporation; and that he/she signed
his/her name thereto by like order; and the affiant did further depose and say that the Superintendent of
Insurance of the State of New York, has, pursuant to Section 1111 of the Insurance Law of the State of New
York, issued to Travelers Casualty and Surety Company of America (Surety) his/her certificate of
qualification evidencing the qualification of said Company and its sufficiency under any law of the State of New
York as surety and guarantor, and the propriety of accepting and approving it as such; and that such certificate
has not been revoked.

.....
Notary Public

NY acknowledgement

MELISSA SARACINO
Notary Public, State of New York
No. 01SA6155895
Qualified in Nassau County
Commission Expires November 20, 2010

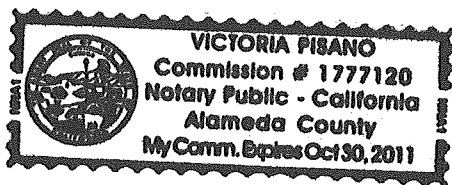
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of ALAMEDA

On 3/25/10 before me, VICTORIA PISANO, NOTARY PUBLIC
Date Here Insert Name and Title of the Officer

personally appeared DAVID DESILVA
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Victoria Pisano
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: BID BOND-2010 PROP 1B STREET RESURFACING PROJECT

Document Date: 3/25/10 Number of Pages: 6

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: DAVID DESILVA

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☒ Other: PRESIDENT

Signer Is Representing: GALLAGHER & BURK, INC.

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 220626

Certificate No. 003407176

KNOW ALL MEN BY THESE PRESENTS: That St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Thomas Bean, Rita Sagistano, Gerard S. Macholz, Susan Lupski, Robert T. Pearson, Camille Maitland, and George O. Brewster

of the City of Garden City, State of New York, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 17th day of November, 2008.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut
City of Hartford ss.

By: _____

George W. Thompson
George W. Thompson, Senior Vice President

On this the 17th day of November, 2008, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2011.



Marie C. Tetreault
Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kori M. Johanson, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 25th day of March, 20 10.


Kori M. Johanson, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.travelersbond.com. Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

HARTFORD, CONNECTICUT 06183

FINANCIAL STATEMENT AS OF DECEMBER 31, 2008

CAPITAL STOCK \$ 6,000,000

ASSETS		LIABILITIES & SURPLUS	
CASH & INVESTED CASH	\$ 146,779,723	UNEARNED PREMIUMS	\$ 846,309,219
BONDS	3,452,929,381	LOSSES	822,955,804
STOCK	7,586,626	LOSS ADJUSTMENT EXPENSES	276,222,162
INVESTMENT INCOME DUE AND ACCRUED	46,660,631	COMMISSIONS	52,167,066
PREMIUM BALANCES	303,562,195	TAXES, LICENSES AND FEES	43,371,400
NET DEFERRED TAX ASSET	40,073,233	OTHER EXPENSES	29,247,064
REINSURANCE RECOVERABLE	12,426,353	FUNDS HELD UNDER REINSURANCE TREATIES	105,982,816
OTHER ASSETS	86,225,430	CURRENT FEDERAL AND FOREIGN INCOME TAXES	104,163,980
		REMITTANCES AND ITEMS NOT ALLOCATED	57,573,235
		AMOUNTS WITHHELD / RETAINED BY COMPANY FOR OTHERS	31,564,808
		RETROACTIVE REINSURANCE RESERVE	11,097,864
		POLICYHOLDER DIVIDENDS	9,605,141
		PROVISION FOR REINSURANCE	5,452,296
		CEDED REINSURANCE NET PREMIUMS PAYABLE	(45,467,530)
		OTHER ACCRUED EXPENSES AND LIABILITIES	11,021,928
		TOTAL LIABILITIES	\$ 2,361,267,253
		CAPITAL STOCK	\$ 6,000,000
		PAID IN SURPLUS	303,297,402
		OTHER SURPLUS	1,425,670,916
		TOTAL SURPLUS TO POLICYHOLDERS	\$ 1,734,976,318
TOTAL ASSETS	\$ 4,096,243,572	TOTAL LIABILITIES & SURPLUS	\$ 4,096,243,572

STATE OF CONNECTICUT)
COUNTY OF HARTFORD)SS.
CITY OF HARTFORD)

ERIC B. BRUDER, BEING DULY SWORN, SAYS THAT HE IS CHIEF FINANCIAL OFFICER - TRAVELERS BOND & FINANCIAL PRODUCTS, OF TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, AND THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF, THE FOREGOING IS A TRUE AND CORRECT STATEMENT OF THE FINANCIAL CONDITION OF SAID COMPANY AS OF THE 31st DAY OF DECEMBER, 2008.

CHIEF FINANCIAL OFFICER - BOND & FINANCIAL PRODUCTS

SUBSCRIBED AND SWORN TO BEFORE ME THIS
17th DAY OF APRIL, 2009



Marie C. Tetreault
NOTARY PUBLIC

MARIE C. TETREAULT
Notary Public
My Commission Expires June 30, 2011

<u>PROJECT NAME</u>	<u>AGENCY/ENTITY</u>	<u>CONTRACT AMOUNT</u>
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This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page or a sheet of stationery. There is no handwriting or other markings on the page.

GALLAGHER BURK, INC. COMPLETED PROJECTS

List of Experience

List of Roadway Reconstruction / Overlay Projects Completed

PROJECT NAME	OWNER NAME	OWNER REPRESENTATIVE NAME	PHONE NUMBER	CONTRACT VALUE	DATE COMPLETED	DESCRIPTION OF PROJECT & WORK PERFORMANCE
EAST GRAND AVENUE RESURFACE	CITY OF SOUTH SAN FRANCISCO 315 Maple Avenue So San Francisco, CA 94080	RAY RAZAVI	(650) 829-6552	\$662,117	Nov-09	STREET RESURFACING
2009 FEDERAL STREET RESURFACING AIRPORT BLVD & TROUSDALE DR	CITY OF BURLINGAME 501 Primrose Road Burlingame, CA 94010	DONALD CHANG	(650) 558-7230	\$692,251	Sept-09	STREET RESURFACING
PIEDMONT AVENUE RECONSTRUCTION	CITY OF BERKELEY 2180 Milvia Street Berkeley, CA 94704	WENDY WONG	(510) 981-6428	\$884,135	Feb-07	STREET RECONSTRUCTION
REPAIR & RESURFACING OF CERTAIN STREETS, PHASE 26	CITY OF ALAMEDA 950 W. Mall Square Alameda, CA 94501	TRUNG NGUYEN	(510) 749-5851	\$2,494,143	Jan-07	STREET REPAIR & RESURFACING
2005/2006 ANNUAL CONTRACT MARITIME SUPPORT CENTER AND BERTHS 32-33	PORT OF OAKLAND 530 Water Street Oakland, CA 94607	TOM LABASCO	(510) 627-1498	\$1,165,209	Nov-06	YARD IMPROVEMENTS
STREET REHABILITATION FY 2006, PHASE 3	CITY OF BERKELEY 2180 Milvia Street Berkeley, CA 94704	WENDY WONG	(510) 981-6428	\$637,657.00	Oct-06	STREET REHABILITATION
STREET REHABILITATION FY 2006, PHASE 2	CITY OF BERKELEY 2180 Milvia Street Berkeley, CA 94704	WENDY WONG	(510) 981-6428	\$1,353,353	Aug-06	STREET REHABILITATION
SOLANO AVENUE PAVEMENT REHABILITATION	CITY OF BERKELEY 2180 Milvia Street Berkeley, CA 94704	WENDY WONG	(510) 981-6428	\$912,275	Nov-05	PAVEMENT REHABILITATION
SPRUCE STREET PAVEMENT REHABILITATION	CITY OF BERKELEY 2180 Milvia Street Berkeley, CA 94704	WENDY WONG	(510) 981-6428	\$2,047,214	Oct-05	PAVEMENT REHABILITATION

LIST OF SUBCONTRACTORS

Designation of Subcontractors shall be as required in Section 2-1.15A of the City of San Jose Standard Specifications, July 1992.

NAME OF SUBCONTRACTOR	BUSINESS LOCATION	PORTION OF WORK
Belmonte Concrete	San Jose, CA	Minor Concrete
Bond Blacktop	Union City, CA	Crackseal
San Jose Signal Electric	San Jose, CA	Detector Loops
International Surfacing Systems	Modesto, CA	Chip Seal / Slurry Seal
Riley's Striping	Union City, CA	Striping
Union City Construction	Fremont, CA	Adjustments
Kent's Oil Service	Stockton, CA	Fabric



Department of Transportation

February 26, 2010

RECEIVED

MAR 01 2010

Gallagher & Burk
Public Works

ADDENDUM No. 1
For the
2010 PROP 1B STREET RESURFACING PROJECT

Notice is hereby given that the following revisions, additions and/or deletions are hereby made to, and incorporated into the Plans and Specifications for the above project.

CHANGES IN PROJECT PLANS & SPECIFICATIONS:

- 1- On 2010 PROP 1B STREET RESURFACING PROJECT Specifications,
TECHNICAL SPECIFICATIONS, section 39-1A, page 63, paragraph shall say:

39-1A ACCEPTANCE TESTING BY THE ENGINEERS - Quality control per Section 39 of the Standard Specification and the specific "S" value requirements for the hot mixed asphalt shall be enforced during paving production, not just during submittal and mix design process. City of San Jose Material Testing Laboratory personnel will sample the hot mixed asphalt on the job site and perform test in their laboratory to ensure the quality meets the requirements specified in the specification. Each sample taken will represent no more than 500 tons of hot mixed asphalt or one day's production, whichever is smaller.

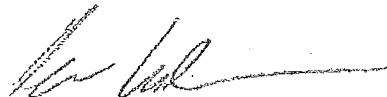
Referee samples will be taken. In the event that asphalt material does not meet these specifications, a mutually agreed third party lab will be utilized as a referee per the Caltrans Quality Control/Quality Assurance Manual for Asphalt Concrete Production and Placement dated June 2002.

SAMI-R shall NOT be installed over the Dig-out area until the lab results of the hot mixed asphalt meets the requirement as specified in the Standard Specification.

INSTRUCTIONS:

The bidder must sign this addendum in the space provided below and return one signed copy with the bid. Failure to return the signed copy with the bid document shall not relieve the bidder of the obligations to include this addendum to the bid proposal.

APPROVED BY:



RENE CORDERO
Division Manager

GALLAGHER & BURK, INC.

Bidder's Name



Signature and Title of Bidder
DAVID DESILVA, PRESIDENT

3/25/10

Date



Department of Transportation
HANS F. LARSEN - ACTING DIRECTOR

March 2, 2010

RECEIVED

MAR 02 2010

Gallagher & Burk
Public Works

**ADDENDUM No. 2
For the
2010 PROP 1B STREET RESURFACING PROJECT**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made to, and incorporated into the Plans and Specifications for the above project.

CHANGES IN PROJECT PLANS & SPECIFICATIONS:

1- On 2010 PROP 1B STREET RESURFACING PROJECT Specifications, TECHNICAL SPECIFICATIONS, section 39-1, page 64, third paragraph shall say:

Asphalt concrete surface course (overlay) shall be placed in a compacted thickness of 2" (inches) as shown in the estimated quantity table.

2- On 2010 PROP 1B STREET RESURFACING PROJECT Specifications, ESTIMATED QUANTITY TABLE, Pages 138 and 139

Replace pages 138 and 139 with the attached Estimated Quantity Table.

INSTRUCTIONS:

The bidder must sign this addendum in the space provided below and return one signed copy with the bid. Failure to return the signed copy with the bid document shall not relieve the bidder of the obligations to include this addendum to the bid proposal.

GALLAGHER & BURK, INC.

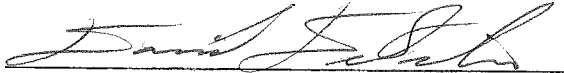
APPROVED BY:



RENE CORDERO
Division Manager

GALLAGHER & BURK, INC.

Bidder's Name



Signature and Title of Bidder
DAVID DESILVA, PRESIDENT

3/25/10

Date



Department of Transportation

HANS F. LARSEN - ACTING DIRECTOR

March 9, 2010

**ADDENDUM No. 3
For the
2010 PROP 1B STREET RESURFACING PROJECT**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made to, and incorporated into the Plans and Specifications for the above project.

CHANGES IN PROJECT PLANS & SPECIFICATIONS:

- 1- On 2010 PROP 1B STREET RESURFACING PROJECT Specifications, TECHNICAL SPECIFICATIONS, SECTION 19-2 GUTTER/WEDGE, CONFORM CUTS AND COLD PLANING AND SECTION 20A. CONSTRUCTION METHODS, pages 58-63.**

Replace SECTION 19. EARTHWORK AND SECTION 20A. CONSTRUCTION METHOD, pages 58-63, with the attached SECTION 19-2 GUTTER / WEDGE, CONFORM CUTS AND COLD PLANING.

- 2- On 2010 PROP 1B STREET RESURFACING PROJECT Specifications, SCHEDULE OF QUANTITIES, pages 12-13, 24-25, and 134-135 for Item No 8, Cold plane 0.10' (Revocable)**

Delete Description "Cold Plane 0.10' (Revocable) and Quantity value of 72,500" and Replace with "Cold Plane 0.20' (Revocable) and Quantity value of 33,200"

- 3- On 2010 PROP 1B STREET RESURFACING PROJECT Specifications, ESTIMATED QUANTITY TABLE, pages 138-139**

Replace ESTIMATED QUANTITY TABLE, pages 138-139, with the attached ESTIMATED QUANTITY TABLE.

This change supersedes Addendum No 2 item No 2.

**4- On 2010 PROP 1B STREET RESURFACING PROJECT Specifications, Appendix A,
Construction Details.**

Add the attached Fabric limit Detail to Appendix A.

INSTRUCTIONS:

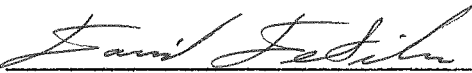
The bidder must sign this addendum in the space provided below and return one signed copy with the bid. Failure to return the signed copy with the bid document shall not relieve the bidder of the obligations to include this addendum to the bid proposal.

APPROVED BY:


RENE CORDERO
Division Manager

GALLAGHER & BURK, INC.

Bidder's Name

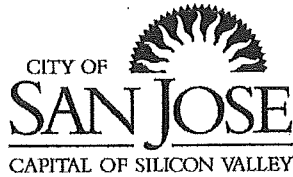


Signature and Title of Bidder

DAVID DESILVA, PRESIDENT

3/25/10

Date



Department of Transportation

HANS F. LARSEN - ACTING DIRECTOR

March 22, 2010

**ADDENDUM No. 4
For the
2010 PROP 1B STREET RESURFACING PROJECT**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made to, and incorporated into the Plans and Specifications for the above project.

CHANGES IN PROJECT PLANS & SPECIFICATIONS:

- 1- On 2010 PROP 1B STREET RESURFACING PROJECT Specifications, NOTICE TO CONTRACTORS, page 5, FILING OF BIDS paragraph shall say:**

All proposals must be filed with the City Clerk of the City of San Jose, City Hall, 200 E. Santa Clara Street, Wing, 2nd Floor, San Jose, CA 95113, on or before 3:00 p.m. **Thursday, March 25, 2010** as set forth in the specifications. The City Clerk will publicly open and declare the aggregate bid of each bidder, at his/her office at 3:00 p.m.

- 2- On 2010 PROP 1B STREET RESURFACING PROJECT Specifications, BIDDER'S BOND, page 15 and 16.**

Replace page 15 and 16 with the attached BIDDER'S BOND.

- 3- On 2010 PROP 1B STREET RESURFACING PROJECT Specifications, SCHEDULE OF QUANTITIES, pages 12-13, 24-25, and 134-135.**

Replace pages 12-13, 24-25, and 134-135 with the attached SCHEDULE OF QUANTITIES.

- 4- On 2010 PROP 1B STREET RESURFACING PROJECT Specifications, TECHNICAL SPECIFICATIONS, Section 39-4 ASPHALT RUBBER CAPE SEAL, pages 67 - 81.**

Replace Section 39-4 ASPHALT RUBBER CAPE SEAL Pages 67 - 81 with the attached Section 39-4 ASPHALT RUBBER CAPE SEAL.

INSTRUCTIONS:

The bidder must sign this addendum in the space provided below and return one signed copy with the bid. Failure to return the signed copy with the bid document shall not relieve the bidder of the obligations to include this addendum to the bid proposal.

APPROVED BY:



RENE CORDERO
Division Manager

GALLAGHER & BURK, INC.

Bidder's Name



Signature and Title of Bidder
DAVID DESILVA, PRESIDENT

3/25/10

Date